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Attorneys for Lenard E. Schwartzter

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

MEDIZONE INTERNATIONAL, INC.,

Debtor.

Case No. BK-S-18-12662-LEB
Chapter 7

**MOTION TO LIMIT NOTICE AND
ESTABLISH NOTICE PROCEDURE**

Hearing Date: July 19, 2018
Hearing Time: 11:00 a.m.

Lenard E. Schwartzter (the "Trustee"), Chapter 7 Trustee, by and through his counsel, Schwartzter & McPherson Law Firm, seeks pursuant to Fed. R. Bankr. P. 2002(i) and (m) an order (1) limiting notice of matters in this case (except where general notice is required by the Federal Rules of Bankruptcy Procedure or this Court's Local Rules) to certain parties who would be included in a Limited Service List (the "Limited Service List") as suggested below, and (2) authorizing the establishment and maintenance of such Limited Service List.

I. JURISDICTION

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

II. CASE BACKGROUND

1. On April 18, 2018, creditors Edwin G. Marshall and Dr. Jill C. Marshall (collectively, the "Marshalls"), and creditor Ushio America, Inc. (together with the Marshalls, the "Petitioning Creditors"), filed an involuntary petition under Chapter 11 the Bankruptcy Code

1 against Debtor MEDIZONE INTERNATIONAL, INC. (the “Debtor”) in Reno, Nevada, thereby
2 commencing bankruptcy case number 18-50412-GWZ (the “Involuntary Chapter 11 Case”).

3 2. On May 8, 2018, Debtor MEDIZONE INTERNATIONAL, INC. (the “Debtor”)
4 filed its petition pursuant to Chapter 7 of the Bankruptcy Code in Las Vegas, Nevada, and Trustee
5 Schwartzer was appointed to administer the Chapter 7 estate.

6 3. The Trustee has been granted authorization to operate the business for
7 approximately 90 days from June 1, 2018 through August 31, 2018 [ECF No. 36], and has been
8 authorized to borrow up to \$200,000.00 from the Marshalls to fund said operation [ECF No. 40].

9 4. The Debtor is a publicly traded company and as noted in its most recent Form 10-K
10 annual report filed March 20, 2018, with the United States Securities and Exchange Commission,
11 the Debtor is a global provider of disinfection solutions and invented the AsepticSure[®] system of
12 disinfecting non-porous surfaces in numerous settings, including hospitals, other healthcare
13 facilities and non-hospital/healthcare facilities, utilizing a hydrogen peroxide vapor and ozone in a
14 patented process.

15 3. In this case, there are in excess of 2,250 creditors and parties-in-interest listed by
16 Debtor in the mailing matrix [ECF No. 1], so the cost of full notice will be burdensome and costly
17 to the bankruptcy estate. Based on discussions with Debtor’s principals and review of the
18 schedules, less than 100 parties are listed on Schedules E, F and G as creditors of the Debtor, so it
19 appears the other 2,200 parties (that are only listed by Debtor in the mailing matrix) are equity
20 holders.

21 4. Based on the schedules, there will no funds available for distribution from this
22 bankruptcy estate to equity holders, so the Trustee requests that notice of matters in this case
23 (except where general notice is required by the Federal Rules of Bankruptcy Procedure or this
24 Court’s Local Rules) be limited to the following parties:

25 a. All creditors all creditors listed in the Schedules E, F and G (none are listed
26 in Schedules D or H,) and any parties listed in the Statement of Financial
27 Affairs [ECF No. 1];

28 c. The Chapter 7 Trustee and his counsel (currently Schwartzer & McPherson

Law Firm), and Debtor's counsel (currently Larson Zirzow & Kaplan);

d. All creditors that have filed proofs or claim, and any parties that have filed a notice of appearance or request for notice with the Court in this case;

e. The Office of the United States Trustee, the Internal Revenue Service, and Social Security Administration;

f. Nevada Departments of Taxation, Nevada Employment Security Division, Clark County Treasurer, and the Clark County Assessor.

5. A "Limited Service List" as of the date of this filing has been prepared pursuant to the list set forth above and is attached to this Motion as **Exhibit "1,"** but is subject to change as the case progresses.

6. In order to avoid unnecessary expense to the estate, the Trustee requests that notice of all matters governed by Bankruptcy Rule 2002 should be limited to parties listed in the Limited Service List, except for the following matters: (a) commencement of this case; (b) the first meeting of creditors pursuant to Bankruptcy Code §341; (c) any deadline for filing proofs of claim pursuant to Bankruptcy Rule 3003; (d) any deadline to object to a Chapter 11 disclosure statement or plan of reorganization; (e) any hearing to consider approval of a Chapter 11 disclosure statement; (f) a hearing to consider confirmation of a Chapter 11 plan of reorganization; and (g) a proposed sale of all or substantially all of the assets of the estate.

7. While the Trustee will establish and maintain the Limited Service List, the Trustee requests that parties in interest shall be responsible for providing him with any corrections or changes to names and addresses. Parties in interest and parties on the Limited Service List may provide changes or additions to the Limited Service List by filing a Request For Notice or Notice Of Change Of Address with the Court, and by providing a copy of said request to the Trustee's counsel, SCHWARTZER & MCPHERSON LAW FIRM, by email to BKFilings@s-mlaw.com, by mail to Schwartzer & McPherson Law Firm, 2850 South Jones Boulevard, Suite 1, Las Vegas, Nevada 89146, or by facsimile to: 702-892-0122.

8. The Trustee requests that parties shall be permitted to be added to or deleted from Limited Service List upon filing a written request with the Court.

III. MEMORANDUM OF LAW

Bankruptcy Rule 2002(m) provides as follows:

The court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.

FRBP 2002(m).

Pursuant to LR 5005(c), parties who are registered participants in the Electronic Filing system have consented to electronic transmission of notice of all pleadings and papers on file and notice will be provided to those parties by electronic transmission. Therefore, any parties who participate in the Court's Electronic Filing System have already received proper notice if such party receives notice of all pleadings and papers on file by electronic transmission.

Bankruptcy Rule 9007 provides:

When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given. When feasible, the court may order any notices under these rules to be combined.

IV. CONCLUSION

Based upon the foregoing, the Trustee requests that the Court enter an order limiting notice and authorizing the establishment and maintenance of a Limited Service List pursuant to the conditions outlined above and as set forth in the proposed form of Order is attached to this Motion as **Exhibit "2."**

Dated: June 13, 2018.

/s/Jason A. Imes

Jason A. Imes, Esq.

Schwartzter & McPherson Law Firm

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Counsel for Lenard E. Schwartzter, Trustee

EXHIBIT “1”

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Larson, Zirzow & Kaplan, LLC
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Las Vegas, Nevada 89101

Internal Revenue Service
Attn: Bankruptcy Dept/ Managing Agent
P.O. Box 7346
Philadelphia, PA 19101

Clark County Treasurer
c/o Bankruptcy Clerk
500 S. Grand Central Parkway
P.O. Box 551220
Las Vegas, Nevada 89155

Clark County Assessor
c/o Bankruptcy Clerk
500 S. Grand Central Parkway
P.O. Box 551401
Las Vegas, Nevada 89155

United States Trustee
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Las Vegas, Nevada 89101

Dept. of Empl., Training & Rehab
Employment Security Division
500 East Third Street
Carson City, Nevada 89713

Nevada Dept. of Taxation
Bankruptcy Section
444 E. Washington Avenue #1300
Las Vegas, Nevada 89101

Social Security Administration
Attn: Bankruptcy Desk/Managing Agent
P.O. Box 33021
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Indianapolis, IN 46204-1927

Federal Insurance Company
Attn: Managing Agent
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Indianapolis, IN 46204-1927

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Kevin Anderson
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EXHIBIT “2”

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Attorneys for Lenard E. Schwartzter

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

MEDIZONE INTERNATIONAL, INC.,

Debtor.

Case No. BK-S-18-12662-LEB
Chapter 7

**[PROPOSED] ORDER GRANTING
MOTION TO LIMIT NOTICE AND
ESTABLISH NOTICE PROCEDURE**

Hearing Date: July 19, 2018

Hearing Time: 11:00 a.m.

The Trustee's *Motion for Order Limiting Notice and Approving Limited Service List* (the "Motion") [ECF No. ____] having come before this Court on the 19th day of July, 2018; Lenard E. Schwartzter (the "Trustee"), Chapter 7 Trustee, appearing by and through his counsel, Jason A. Imes., Esq., of the Schwartzter & McPherson Law Firm; other parties appearing as noted on the record; the Court finding that notice has been given to all creditors and parties in interest as required by law, there being no opposition, the Court having made its findings of fact and conclusions of law upon the record which are incorporated herein pursuant to Federal Rules of Bankruptcy Procedure 9014(c) and 7052, and for good cause appearing,

IT IS HEREBY ORDERED that the Trustee's Motion is GRANTED; and

1 **IT IS FURTHER ORDERED** that when the Bankruptcy Rules or Local Rules require
2 notice to be given to all creditors, including Bankruptcy Rule 2002(a), (b) and (f), service in this
3 case need only be made on the parties on the LIMITED SERVICE LIST which shall consist of, at
4 a minimum,

- 5 a. All creditors all creditors listed in the Schedules E, F and G (none are listed
6 in Schedules D or H,) and any parties listed in the Statement of Financial
7 Affairs [ECF No. 1];
- 8 c. The Chapter 7 Trustee and his counsel (currently Schwartzer & McPherson
9 Law Firm), and Debtor's counsel (currently Larson Zirzow & Kaplan);
- 10 d. All creditors that have filed proofs or claim, and any parties that have filed a
11 notice of appearance or request for notice with the Court in this case;
- 12 e. The Office of the United States Trustee, the Internal Revenue Service, and
13 Social Security Administration; and
- 14 f. Nevada Department of Taxation, Nevada Employment Security Division,
15 Clark County Treasurer, and the Clark County Assessor.

16 **IT IS FURTHER ORDERED** that notice in this case shall not be limited by this Order
17 for the following matters: (a) commencement of this case; (b) the first meeting of creditors
18 pursuant to Bankruptcy Code §341; (c) any deadline for filing proofs of claim pursuant to
19 Bankruptcy Rule 3003; (d) any deadline to object to a Chapter 11 disclosure statement or plan of
20 reorganization; (e) any hearing to consider approval of a Chapter 11 disclosure statement; (f) a
21 hearing to consider confirmation of a Chapter 11 plan of reorganization; and (g) a proposed sale of
22 all or substantially all of the assets of the estate; and

23 **IT IS FURTHER ORDERED** that Trustee's Counsel (Schwartzer & McPherson Law
24 Firm) will establish and maintain the Limited Service List in accordance with this Order; and

25 **IT IS FURTHER ORDERED** that parties shall be permitted to be added to or deleted
26 from Limited Service List **upon filing a written request with the Court**; and

27 ///

28 ///

1 **IT IS FURTHER ORDERED** that parties in interest and parties on the Limited Service
2 List may provide changes or additions to the Limited Service List **by filing a Request For Notice**
3 **or Notice Of Change Of Address with the Court**, and providing a copy of said filed request to
4 the Trustee's counsel, SCHWARTZER & MCPHERSON LAW FIRM, by email to BKFilings@s-
5 mlaw.com, by mail to Schwartzer & McPherson Law Firm, 2850 South Jones Boulevard, Suite 1,
6 Las Vegas, Nevada 89146, or by facsimile to: 702-892-0122; and

7 **IT IS FURTHER ORDERED** that parties in interest shall be responsible for providing
8 the Trustee with any corrections or changes to names and addresses filed with the Court.

9 Submitted by:

10
11
12 _____
13 Jason A. Imes, Esq.
14 Schwartzer & McPherson Law Firm
15 2850 South Jones Blvd., Suite 1
16 Las Vegas NV 89146
17 *Attorneys for Lenard E. Schwartzer, Trustee*
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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The court waived the requirement of approval under LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated above.
- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objection to the form or content of the order.

Jason A. Imes, Esq.
Schwartzter & McPherson Law Firm

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